

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:23-cv-00641-JRG-RSP

JURY TRIAL DEMANDED

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Local Patent Rule 4-3, and the Court’s Docket Control Order (Dkt. 41), Plaintiff Headwater Research, LLC (“Headwater”) and Defendants Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.’s. (“Samsung”) (collectively, “Parties”) respectfully submit the following Joint Claim Construction and Prehearing Statement.

I. AGREED CLAIM CONSTRUCTIONS (P.R. 4-3(a)(1))

The Parties have not agreed to any claim constructions.

II. DISPUTED CLAIM CONSTRUCTIONS (P.R. 4-3(a)(2))

The Parties’ proposed constructions of disputed terms are provided in the chart below. The Parties’ proposed constructions are also set forth in the accompanying **Exhibit A**, along with the intrinsic and extrinsic evidence on which the parties intend to rely. The extrinsic evidence on which Samsung may rely is attached as **Exhibit B**.

A. U.S. Patent No. 8,588,110

Term #	Claim Term	Headwater's Proposed Construction	Samsung's Proposed Construction
1	low-level policy agents (Claims 12, 13)	Not indefinite; plain and ordinary meaning	Indefinite
2	low-level policy rule (Claim 12)	Not indefinite; plain and ordinary meaning	Indefinite
3	first service activity is non-critical (Claim 9)	Not indefinite; plain and ordinary meaning	Indefinite
4	means for obtaining, through a user interface of the wireless device, a user input specifying at least an aspect of a first service policy (Claim 26)	Plain and ordinary meaning	<i>Pursuant to § 112(6):</i> Function: obtaining, through a user interface of the wireless device, a user input specifying at least an aspect of a first service policy Structure: a user interface and a processor configured to perform the algorithm steps of providing the user with information and accepting user choices or preferences on, e.g., service plan selection or change, and/or other service related information, settings, and/or options
5	means for identifying that the wireless device is connected to the first wireless network (Claim 26)	Plain and ordinary meaning	<i>Pursuant to § 112(6):</i> Function: identifying that the wireless device is connected to the first wireless network

Term #	Claim Term	Headwater's Proposed Construction	Samsung's Proposed Construction
			Structure: a processor configured to perform the algorithm steps of recognizing the type of network to which the device is currently connecting, e.g., by looking up the information in a local or network table
6	means for identifying an intended, attempted, or successful data communication over the first wireless network, the intended, attempted, or successful data communication being associated with the first service activity (Claim 26)	Plain and ordinary meaning	<i>Pursuant to § 112(6):</i> Function: identifying an intended, attempted, or successful data communication over the first wireless network, the intended, attempted, or successful data communication being associated with the first service activity Structure: a processor configured to perform the algorithm steps of implementing traffic inspection points between the applications and the networking stack application interface using a T-buffer at socket connections and feeding the side traffic into a traffic flow analyzer
7	means for applying the first service policy (Claim 26)	Plain and ordinary meaning	<i>Pursuant to § 112(6):</i> Function: applying the first service policy Structure: a processor configured to perform the

Term #	Claim Term	Headwater's Proposed Construction	Samsung's Proposed Construction
			algorithm steps of performing a service control that reduces traffic speed for all applications and traffic types successively until the service usage projections are within service usage limits for the present service billing period

B. U.S. Patent No. 9,647,918

Term #	Claim Term	Headwater's Proposed Construction	Samsung's Proposed Construction
8	the calling device application (Claims 1, 14)	Not indefinite; plain and ordinary meaning	Indefinite

III. ANTICIPATED LENGTH OF TIME NEEDED FOR THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(a)(3))

The parties estimate that two hours will be needed for the claim construction hearing. The parties agree that each side will be allocated half of the total time permitted for the hearing.

IV. PROPOSED WITNESSES TO BE USED AT THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(a)(4))

No party proposes to call witnesses at the claim construction hearing.

V. OTHER ISSUES TO BE ADDRESSED PRIOR TO CLAIM CONSTRUCTION HEARING (P.R. 4-3(a)(5))

The parties are not currently aware of any issues that they would propose taking up at a prehearing conference prior to the claim construction hearing.

Dated: January 10, 2025

/s/ Marc Fenster

Marc Fenster
CA State Bar No. 181067
Email: mfenster@raklaw.com
Reza Mirzaie
CA State Bar No. 246953
Email: rmirzaie@raklaw.com
Brian Ledahl
CA State Bar No. 186579
Email: bledahl@raklaw.com
Ben Wang
CA State Bar No. 228712
Email: bwang@raklaw.com
Adam Hoffman
CA State Bar No. 218740
Email: ahoffman@raklaw.com
Dale Chang
CA State Bar No. 248657
Email: dchang@raklaw.com
Paul Kroeger
CA State Bar No. 229074
Email: pkroeger@raklaw.com
Neil A. Rubin
CA State Bar No. 250761
Email: nrubin@raklaw.com
Kristopher Davis
CA State Bar No. 329627
Email: kdavis@raklaw.com
James S. Tsuei
CA State Bar No. 285530
Email: jtsuei@raklaw.com
Philip Wang
CA State Bar No. 262239
Email: pwang@raklaw.com
Amy Hayden
CA State Bar No. 287026
Email: ahayden@raklaw.com

/s/ Sara C. Fish

Ruffin B. Cordell
TX Bar No. 04820550
Michael J. McKeon
DC Bar No. 459780
mckeon@fr.com
Jared Hartzman (*pro hac vice*)
DC Bar No. 1034255
hartzman@fr.com
FISH & RICHARDSON P.C.
1000 Maine Avenue, SW, Ste 1000
Washington, D.C. 20024
Telephone: (202) 783-5070

Thad C. Kodish
GA Bar No. 427603
tkodish@fr.com
Sara C. Fish
GA Bar No. 873853
Christopher O. Green
GA Bar No. 037617
Benjamin K. Thompson
GA Bar No. 633211
bthompson@fr.com
FISH & RICHARDSON P.C.
1180 Peachtree St. NE, Fl. 21
Atlanta, GA 30309
Telephone: (404) 892-5005

Melissa R. Smith
State Bar No. 24001351
Melissa@gillamsmithlaw.com
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450

Jason M. Wietholter
CA State Bar No. 337139
Email: jwietholter@raklaw.com
Qi (Peter) Tong
TX State Bar No. 24119042
Email: ptong@raklaw.com
RUSS AUGUST & KABAT
12424 Wilshire Blvd., 12th Floor
Los Angeles, CA 90025
Telephone: 310-826-7474

Andrea L. Fair
TX State Bar No. 24078488
MILLER FAIR HENRY PLLC
1507 Bill Owens Parkway
Longview, Texas 75604
Telephone: 903-757-6400
andrea@millerfairhenry.com

Attorneys for Plaintiff
Headwater Research LLC

Harry L. Gillam, Jr.
State Bar No. 07921800
GILLAM & SMITH, LLP
102 N. College, Ste. 800
Tyler, Texas 75702
Telephone: (903) 934-8450

Jon Hyland
Texas Bar No. 24046131
jhyland@hilgersgraben.com
Grant K. Schmidt
Texas Bar No. 24084579
gschmidt@hilgersgraben.com
HILGERS GRABEN PLLC
7859 Walnut Hill Lane, Suite 335
Dallas, Texas 75230
Telephone: (972) 645-3097

Attorneys for Defendants
Samsung Electronics Co., Ltd. and
Samsung Electronics America, Inc.

CERTIFICATE OF SERVICE

I certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Marc Fenster
Marc Fenster
Attorney for Plaintiff
Headwater Research LLC

CERTIFICATE OF CONFERENCE

I certify that that counsel complied with the requirements of Eastern District of Texas Local Rule CV-7(h). The parties agree on filing this joint statement.

/s/ Marc Fenster
Marc Fenster
Attorney for Plaintiff
Headwater Research LLC